IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 413 (S/S) of 2007

Nityanand Joshi S/o Sri Durgadutt
R/o Nagar Palika Odiat Room, Mallital
District- Nainital ------- Petitioner

Versus

1. The State of Uttarakhand through its Secretary Urban Development, Dehradun
2. The Executive Officer Nagar Palika, Nainital

-------- Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.C. Bhatt, learned counsel for the petitioner and Sri D.S. Patni, learned counsel for the respondent no. 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order in the nature of certiorari to quash the seniority list dated 15.4.2006 (Annexure No. 3) published by respondent no. 2.
2. Issue a writ, order or direction ion the nature of mandamus commanding the respondents to correct date of birth of the petitioner.
3. Award cost of this petition to petitioner from the contesting respondents.

The stand of the petitioner is that he was appointed as Peon with the respondent department in the year 1976. In 2000, a seniority list was published by the department in which the date of birth of the petitioner was mentioned as 24th August, 1953, which is a correct date of birth in accordance with the petitioner. In 2006, another seniority list was published in which the date of

birth of the petitioner has been mentioned as 24th August, 1951. The petitioner has moved a representation dated 21.04.2006 before the Executive Officer, Nagar Palika, Nainital to correct the date of birth of the petitioner, which is Annexure 2 to the writ petition.

The submission of the learned counsel for the petitioner is that the representation is still pending with respondent no. 2 and he has not taken any decision on the representation made by the petitioner. He has further submitted that the respondent no. 2 may be directed to take decision on the representation of the petitioner.

The prayer is innocuous.

Consequently, I direct the respondent no. 2 to take decision on the representation of the petitioner dated 21.04.2006, which is Annexure 2 to the writ petition within a period of four weeks from the date of production of a certified copy of this order.

With the above direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

20.04.2007
VKS